

Co-Sponsor the Pet Animal Welfare Statute (PAWS) H.R. 2669/ S. 1139

The Pet Animal Welfare Statute (PAWS), introduced by **Reps. Gerlach (R-PA)** and **Farr (D-CA)** in the U.S. House of Representatives and **Sens. Santorum (R-PA)** and **Durbin (D-IL)** in the U.S. Senate, strengthens existing law covering commercial breeding facilities by 1) amending the Animal Welfare Act (AWA) to require USDA coverage of commercial breeder who sell 7 or more litters of puppies or kittens directly to the public in a year, 2) allows for access to source records for animals bred overseas and imported to the U.S., 3) extends the temporary suspension period for facilities with AWA violations from 21 days to 60 days, and 4) gives the USDA direct authority to apply for injunctions.

Why is the bill necessary?

Currently all commercial dealers of dogs and cats who sell animals directly to the public (i.e. “retail” dealers) are able to evade AWA licensing and humane handling requirements. The growing popularity of the Internet has created an unintentional loophole in the current law allowing these dealers to be considered “pet stores” and thereby sidestep all federal oversight. As a result, many raise animals in deplorable conditions as a highly profitable business with no animal welfare standards. Recent loophole abuse cases include:

- 2004 Macomb, Mo. Case: 147 live dogs and four dead dogs, all with severely matted fur, were discovered in dilapidated wire cages, covered in feces, many with eye ailments, hair loss, deafness, blindness, and tumors;
- 2004 Berry, Ky. Case: 108 dogs were covered in feces, had frozen water bowls, and one dog was frozen solid;
- 2003 Union County, N.C. case: 250 dogs were found knee-deep in feces and crammed together in rabbit hutches;
- 2002 Shelby, Mont. Case: 171 dogs and 10 cats were discovered in a tractor-trailer, living in 4 inches of feces, emaciated, dehydrated, suffering from severe ear infections, intestinal parasites and malnutrition;
- 2000 Lyles, Tenn. Case: 164 dogs were kept with no food or water; and

Due to a total lack of federal oversight, these cases spiraled out of control and were ultimately handled by local authorities. Municipal shelters, already overburdened, will often be forced to go bankrupt when a large breeder abuse case is discovered in their jurisdiction, as they must take in all the animals, provide veterinary care for extreme health problems and shelter for large numbers of animals, and attempt to find them loving homes. Under PAWS, these breeders would all have been inspected regularly, preventing severe suffering and harm to these animals and communities.

How does PAWS address imports and enforcement?

A growing number of breeders in China and other countries see the U.S. as a huge market for dogs and are mass producing puppies with no humane regulations or oversight. The source records provision of PAWS will allow USDA to determine the origin of dogs and cats coming into the U.S. and trace their pathway, allowing for better control of disease, behavioral problems and inhumane treatment. Bill language extending the temporary suspension period and allowing USDA the ability to shut down breeding operations will enhance the agency’s enforcement capability, as well as focus on serious violations.

What types of breeders are exempt from this bill?

Hobby and show breeders are exempt – only breeders who sell more than 6 litters a year would be covered. As a result of this exemption, the vast majority of the American Kennel Club (AKC) members will not be covered by this bill. Two-thirds of AKC registrants have one litter of puppies one year and then do not have a litter the following year. This bill will not regulate people who sell an occasional litter of puppies but will allow USDA the opportunity to inspect and ensure humane treatment of animals at large-scale facilities. The bill will not extend coverage to those who rescue dogs or cats or operate non-profit shelters, nor will it cover those who breed other animals. In order to be covered, breeders must be breeding large numbers of dogs or cats. The PAWS bill is carefully aimed at closing the current loophole in the AWA that allows Internet and other retail sales by large commercial operators to go unchecked.

How is PAWS different from the Puppy Protection Act of the 108th Congress?

The “Puppy Protection Act” (PPA) introduced by some of the same sponsors in the 108th Congress took an entirely different approach by outlining ways to strengthen humane standards for those already covered by the Animal Welfare Act. The PPA required:

- A limit on continual breeding without any break,
- Development of regulations by USDA to ensure that puppies were socialized before being sold to consumers, and
- A “three strikes and you’re out” enforcement mechanism to encourage USDA to shut down serious, repeat offenders of the Animal Welfare Act.

The prior legislation was opposed by the AKC, the American Veterinary Medical Association (AVMA), and individual hobby breeders, and did not pass.

The new legislation, PAWS, is endorsed by the groups that opposed the prior legislation including the AKC and the AVMA, and does not create any new humane standards or attempt to influence breeding or socialization in any way. Instead, PAWS takes a fresh look at the problem of large-scale, commercial breeding abuses and is designed to close a serious loophole in the current law. With the support of the AKC, the AVMA, The Humane Society of the United States, the Doris Day Animal League, the American Society for the Prevention of Cruelty to Animals, and the Society for Animal Protective Legislation, it is clear that PAWS is a common-sense solution for the most significant problems at large-scale, commercial pet breeding facilities.

Will PAWS have a detrimental effect on rescue organizations or animal shelters?

No. PAWS deals strictly with businesses who sell dogs and cats. Non-profit rescue groups who charge an adoption donation fee are not selling animals. Even if they were considered to be sales, rescue organizations would be exempt under this legislation because they do not breed animals. PAWS covers commercial businesses breeding large volumes of animals (7 or more litters per year) and selling them directly to the public. These businesses have thrived due in part to the exponential growth in the use of the Internet for commerce and because in most states there is no oversight of large-scale, breeding operations that sell puppies or kittens directly to the public.